

BUCHANAN INGERSOLL & ROONEY PC
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Elliot J. Blumenthal (EB 3834)

Attorneys For National City Bank
as former Trustee of Defendant ELIZABETH WERNER TRUST, N.C.B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OLD LADDER LITIGATION CO., LLC, as
Litigation Designee on behalf of the
Liquidation Trust,

Plaintiff,

v.

INVESTCORP BANK B.S.C.; INVESTCORP
S.A.; INVESTCORP INTERNATIONAL,
INC.; INVIFIN, S.A.; INVESTCORP
INVESTMENT EQUITY LIMITED;
INVESTCORP HOLDINGS LIMITED;
INVESTCORP WERNER HOLDINGS L.P.;
STEPUP LIMITED (GENERAL PARTNER
OF INVESTCORP WERNER HOLDINGS
L.P.); OWNERSHIP HOLDINGS LIMITED;
C.P. HOLDINGS LIMITED; SIPCO
LIMITED; BALLET LIMITED; DENARY
LIMITED; GLEAM LIMITED; HIGHLANDS
LIMITED; NOBLE LIMITED; OUTRIGGER
LIMITED; QUILL LIMITED; RADIAL
LIMITED; SHORELINE LIMITED; ZINNIA
LIMITED; CIP LIMITED; STEP
INVESTMENTS LIMITED; WL HOLDINGS
LIMITED; EQUITY WERA LIMITED;
CLIMBING PRODUCTS LIMITED;
LADDER EQUITY LIMITED; WERNER
EQUITY LIMITED; WERNER
INVESTMENTS LIMITED; WERNER IIP
LIMITED; ANNISVILLE LIMITED,

Case No.: 08 CV 0876 (RMB)

**AFFIDAVIT OF SERVICE VIA
UPS OVERNIGHT MAIL**

COOPERSTOWN LIMITED; FRISCO LIMITED; PLATEA LIMITED;

CRAIG R. WERNER FAMILY LIMITED PARTNERSHIP (CRAIG WERNER - GENERAL PARTNER); ROBERT I. WERNER - IRREV. TRUST DATED 8/30/94 (RONALD WERNER - ADMINISTRATIVE TRUSTEE); RICHMOND DRIVE ENTERPRISES, L.P. (RICHARD WERNER AND LOIS WERNER - GENERAL PARTNERS); MICHAEL E. WERNER REVOCABLE TRUST, U/A/D 1/2/96 (MICHAEL WERNER - TRUSTEE); BRUCE D. WERNER - TRUST (BRUCE WERNER - TRUSTEE); ELIZABETH W. ACKERMAN TRUST DTD 12/18/67 (JEFFREY R. ACKERMAN, SUCCESSOR. TRUSTEE); ERIC J. WERNER; ALLIGATOR PARTNERS, L.P. (HOWARD SOLOT AND JANET SOLOT - GENERAL PARTNERS); MICHAEL J. SOLOT; DONALD M. WERNER.; RONALD E. WERNER.; DENNIS G. FIEINER; THE HEINER FAMILY TRUST (DENNIS HEINER. AND MAR.G0 HEINER. - TRUSTEES); MINDY WERNER. ALTER; ELISE W. FROST; FLORENCE J. WERNER. - IRREV. TRUST DATED 10/7/94 (RONALD WERNER, MARC WERNER AND MICHAEL WERNER-TRUSTEES); GAIL RAUCH BLACKMAN; BRUCE D. WERNER FAMILY LIMITED PARTNERSHIP (BRUCE WERNER - MANAGING GENERAL PARTNER); IRA AND ELISE FROST FAMILY LIMITED PARTNERSHIP (ELISE FROST - GENERAL MANAGING PARTNER); RONI S. ROSATI; NOEL BERKRAUCH; GERALD R. WHIPMAN; HOWARD L. SOLOT; ISABELLE N. WERNER; SOPHIA K. WERNER; AGNES BONTE FRANCOIS; WERNER-ALTER, LLC (MINDY WERNER. ALTER - .MANAGER); JANET F. SOLOT; BEVERLY WERNER. NEEDHAM; MARSHA BETH KARP; EDWARD A. POLLACK.; EDWARD

POLLACK, POA MLW; ROBERT I. WERNER; LAURA WERNER; LAURA W. WERNER REVOCABLE TRUST, U/A/D 1/2/96 (LAURA WERNER - TRUSTEE); RANKELL FAMILY TRUST (STEVEN RANKELL - TRUSTEE); STEVEN RANKELL; MARC L. WERNER; RICHMOND J. ROSATI; RYAN GREGORY ROSATI; ROSS DANIEL ROSATI; RAUCH TRUST (ALEENA SHAPIRO - TRUSTEE); PETER R. O'COIN; ELISSA SCHWARTZ; SUZANNE SCHWARTZ; JONATHAN C. WERNER GIFT TRUST U/A/D/ 11/1/96 (JEFFREY WEISMAN - TRUSTEE); STEPHANIE N. WERNER GIFT TRUST U/A/D 11/1/96 (JEFFREY WEISMAN - TRUSTEE); VINCENT J. GARCELL LIVING TRUST (VINCENT J. GARCELL & KAREN R. GARCELL, TRUSTEES); BARBARA L. WERNER; ASHLEY ELIZABETH WERNER; JEFFREY ADDISON WERNER.; WERNER GC TRUST FOR ERIN (BEVERLY WERNER NEEDHAM TRUSTEE); ERIN JOY RYAN; WERNER GC TRUST FOR SHANNON (BEVERLY WERNER. NEEDHAM - TRUSTEE); SHANNON ROSE RYAN; MICHAEL E. WERNER; ALLISON TYLER KARP; FLORENCE J. WERNER.; MARGOT A. WERNER GIFT TRUST U/A/D 11/1/96 (LAURA WERNER - TRUSTEE); STEWART CHARITABLE REMAINDER UNITRUST (GARY STEWART - TRUSTEE); STEWART CHARITABLE REMAINDER UNITRUST (ILENE STEWART - TRUSTEE); ROBERT A. ROSATI; JEFFREY R. ACKERMAN; LEE L. BASILOTTA; MICHEL, FRANCOIS; ELLEN BERK-RAUCH; MELANIE R. WERNER.; HEATHER. BLACKMAN; KAREN LYNN MOSESKA.; BARBARA L. WERNER.; ELI BERK-RAUCH; HANNA BERK- RAUCH; CLAIRE FRANCOIS; JAMES ANDRE FRANCOIS; TAMMY H. WERNER; DONALD E. ACHENBACH; DAVID A. CARDILLO; MELISSA S. KARP;

J. DAVID GOLDBLATT; JUNE GOLDBLATT; CLAUDE J. FRANCOIS; PHILLIP F. TIDY; GARY L. STEWART; RICHARD D. BONTE; VERA BONTE; MARLANE T. KRANE; DEBRA A. ROTHMAN; MARGARET E. BONTE; ANNE L. WERNER. RESIDUARY TRUST (TIMOTHY F. BURKE - TRUSTEE); GARCELL 1997 UNITRUST DTD 12/19/1997; MAURICE WEINER; ANNE L. WERNER RESIDUARY TRUST - EX (TIMOTHY F. BURKE - TRUSTEE); NOVAK, PARTNERSHIP, AKA A CALIFORNIA LIMITED PARTNERSHIP (ALYCE NOVAK. - TRUSTEE); ALYCE NOVA.K.; JOSHUA J. ROTHMAN; KEVIN MATTHEW R.OTHMAN; PAULA J. GRIFFITH; HENRY W. DOWLER; VINCENT A. GENIS; MATTHEW W. WEISS; STEVEN R. BENTSON; WILLIAM J. RIPPIN; DAVID C. MCGOWAN; BRAD J. GELLIS; MICHAEL E. TRZYNKA; LARR.Y V. FRIEND; EDWARD W. GERICKE; JOHN J. FIUMEFREDDO; MICHAEL D. BROOKS; JORDANA ROTHMAN; LINDA C. JOUBERT; ERIC MASON; JASON S. KRANE; BRUCE FISHER; WILLIAM C. HAZLETT; NEAL R. MARTIN; DENNIS J. JOHNSON; JEREMY M. KAPLAN; RACHAEL A. KAPLAN; BETH KATZ; SUSAN MORROW; DAVID M. CONN; MARC L. WERNER. - IRREVOCABLE TRUST 1 (RICHARD WERNER AND DONNA S. 'WERNER.. - TRUSTEES); THE ESTATE OF MAX .HANFLING (EDWARD A. POLLACK. - EXECUTOR); HERMAN H. LISS; KARRAH KAPLAN; DEBORAH ANN KAPLAN TRUST U/D 1.4 JANUARY 1998 (JEREMY M. KAPLAN - TRUSTEE); JUDITH LILY KAPLAN TRUST U/D 14 JANUARY 1998 (JEREMY M. KAPLAN - TRUSTEE); JULIA E. KAPLAN; NEIL D. KAPLAN; ROBERT H. PINNEY; JESSICA Z. JOUBERT; MICHAEL D. WISE; SARA P. GRAHAM; CARLY KRANE; RICHARD M. KELLY; SHIRLEY W. RAUCH TRUST

(SHIRLEY RAUCH, STANLEY RAUCH,
AND MARLANE KRONE - TRUSTEES);
FRANCESCA GIANOGLIO BONTE;
ALESSANDRA BONTE; KELLY SINON;;
SUZANNE ROSEN; DEBORAH KAPLAN;
JUDITH KAPLAN;

VINCENT J. GARCELL; SYLVIA S.
KAPLAN; BETH MORROW; ILENE
STEWART; STANLEY S. RAUCH TRUST;
BRUCE D. WERNER; CRAIG R. WERNER
TRUST; ELIZABETH WERNER TRUST,
N.C.B.; LOIS S. WERNER REVOCABLE
TRUST; RICHARD L. WERNER
REVOCABLE TRUST; DOROTHY M.
WHIPMAN; CRAIG WERNER;
DANA SNYDER; JAMES BAKER; PETER,
NOLAN; CHRISTOPHER. STADLER;
THOMAS SULLIVAN; MICHAEL WONG;
JAMES HARDYMON; JAMES EGAN;
CHARLES MARQUIS; MAMOUN ASKARI;
STEPHEN TEMIPINI;
STEVEN RICHMAN; DONALD RESNICK;
TIMOTHY LEWIS; CHRISTOPHER
FILARDI; JOHN REMMERS; KEVIN
WALZ; JOHN J. DYLIK; WENDY A.
MEIKLE; LISA A. PRESSLER; DOUGLAS
BATES; GEORGE KOERNER; JOHN
THIGPEN

LEONARD GREEN & PARTNERS, L.P.;
LGP MANAGEMENT INC.; GREEN
EQUITY INVESTORS III, L.P.;
WERNER, CO-INVESTMENT LLC;
MURRAY DEVINE & CO., INC.;
LOUGHLIN MEGHJI & CO., INC.; AND
DOES 1 THROUGH 300, INCLUSIVE

Defendants.

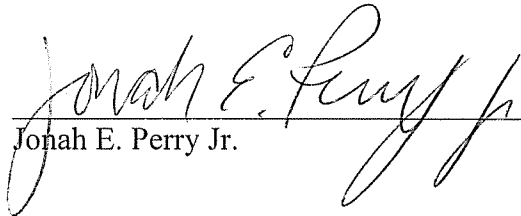
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Jonah E. Perry Jr., duly sworn, deposes and says: that deponent is not a party to the within action, is over 18 years of age and is employed at BUCHANAN INGERSOLL & ROONEY PC, One Chase Manhattan Plaza, 35th Floor, New York, New York 10005.

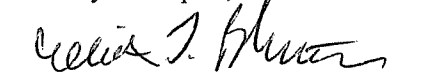
That on the 8th day of April, 2008, deponent served a true and correct copy of the **Notice of Appearance by Elliot J. Blumenthal on behalf of Defendant Elizabeth Werner Trust, N.C.B. in the above-referenced action** by UPS overnight mail upon the following named persons at the addresses given below:

ANTHONY W. CLARK, ESQ.
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP
ONE RODNEY SQUARE - 7TH FLOOR
WILMINGTON, DE 19899-0636

MARC W. RAPPEL, ESQ.
LATHAM & WATKINS LLP (LA)
633 WEST FIFTH STREET - SUITE 4000
LOS ANGELES, CA 90071


Jonah E. Perry Jr.

Sworn to before me this
8th day of April, 2008



Notary Public

ELLIOT J. BLUMENTHAL
Notary Public, State of New York
No. 02BL5037221
Qualified in Nassau County
Commission Expires Dec. 19, 2010